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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,212	06/20/2003	Richard D. Gillespie III	0001377USX	7310

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EXAMINER

MCCORKLE, MELISSA A

ART UNIT	PAPER NUMBER
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3763

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/601,212

Applicant(s)

GILLESPIE, RICHARD D.

Examiner

Melissa A. McCorkle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/28/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner: Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 2, 9 and 13-32 have been considered but are moot in view of the new ground(s) of rejection.
2. Currently, claims 13-32 are pending. This action is non-final.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,626,566 issued to Petersen et al. Petersen discloses applicant's invention substantially as claimed.
5. Regarding claims 13-16, Petersen discloses an injection apparatus comprising a first chamber 31 containing a medicine; a plunger 23 cooperating with said first chamber, said plunger having a first engaging member 21 defined thereon; a needle in fluid communication with said first chamber; a coupling having a second engaging member defined in an inner periphery [threads col 4 line 42], said first and second engaging members being releasably engaged to one another; and a first spring 25 acting on said coupling to urge said plunger in a first direction until said coupling contacts a surface [col 4 line 50-65, reaches "edge"], wherein said surface causes said second engaging member to move away from said plunger so that said first and second

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engaging members are released from one another [col 5 lines 40-50]; wherein said first chamber and said needle are movably disposed in a housing; further comprising a second spring for urging said first chamber and said needle in a second direction, said second spring 38 being weaker than said first spring; wherein said second spring moves said first chamber and said needle in said second direction once said first and second engaging members are released from one another; further comprising a damper pad disposed between said housing and said first chamber so that an impact of said first chamber with said housing is dampened.

6. Regarding claims 18-26, Peterson discloses an injection apparatus comprising a syringe assembly having a needle, a first chamber for holding a medicine, and a plunger operable to force said medicine from said first chamber through said needle, a first engaging member being defined on said plunger, a housing being disposed about said syringe assembly so that said syringe assembly is movable in said housing between a retracted position and an extended position, said housing concealing said needle in said retracted position, and said needle extending from said housing in said extended position, a first spring for driving said syringe assembly from said retracted position to said extended position and for causing said plunger to drive said medicine through said needle, a coupling being disposed between said first spring and said plunger, said coupling having a second engaging member, said coupling having a closed position and an open position, said first and second engaging members being engaged to one another when said coupling is in said closed position so that said plunger is driveably engaged with said first spring, and said first and second engaging members being

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disengaged from one another when said coupling is in said open position so that said plunger is disengaged from said first spring, and a surface being defined in said housing for moving said coupling from said closed position to said open position after said plunger forces said medicine from said first chamber through said needle; wherein said surface slopes radially away from said plunger, wherein said first engaging member is a groove defined on said plunger and said second engaging member is a lip defined on said coupling; wherein said groove is circumferentially defined on said plunger and said lip is circumferentially defined on an inner face of said coupling; wherein said coupling further comprises a plurality of openable portions having said second engaging member thereon; wherein said first spring drives said plurality of openable portions over said surface to open said portions until said first and second engaging members disengage; further comprising a second spring for driving said syringe assembly from said extended position to said retracted position after said coupling is moved to open position; further comprising a damper pad disposed between said housing and said syringe assembly so that an impact of said syringe assembly with said housing when said syringe assembly reaches said extended position is dampened; further comprising means for releasably securing said syringe assembly in said retracted position see column 3-5.]

7. Regarding claims 27-32, Petersen discloses an injection apparatus comprising a housing, a syringe assembly having a needle, a first chamber for holding a medicine, and a plunger operable to force said medicine from said first chamber through said needle, said syringe assembly being movably disposed in said housing so that said housing conceals said needle in a first position and said needle extends from said

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housing in a second position; a first spring for driving said syringe assembly from said first position to said second position and for causing said plunger to drive said medicine through said needle, a coupling being disposed between said first spring and said plunger, a first portion of said plunger being engaged with a second portion of said coupling when said coupling is in a closed position so that said plunger is driveably engaged with said first spring, said first and second portions being disengaged from one another when said coupling is in an open position so that said plunger is disengaged from said first spring, and a surface being defined in said housing for moving said coupling from said closed position to said open position after said plunger forces said medicine from said first chamber; wherein said surface slopes radially away from said plunger, wherein said first portion is a groove defined on said plunger and said second portion is a lip defined on said coupling; further comprising a second spring for returning said syringe assembly to said first position after said coupling is moved to an open position, further comprising a damper pad disposed between said housing and said syringe assembly so that an impact of said syringe assembly with said housing when said syringe assembly reaches said second position is dampened; further comprising means for releasably securing said syringe assembly in said first position [see col 3-5.]

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kovelman et al, US Patent number 5,820,602, discloses a Pen-Type Injector Drive Mechanism.

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9.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa A. McCorkle whose telephone number is (571) 272-2773. The examiner can normally be reached on Monday - Friday, 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Lucchesi can be reached on (571) 272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melissa A McCorkle
Examiner
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